

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER DENYING MOTION FOR
)	GRAND JURY TRANSCRIPTS
vs.)	
)	Case No. 3:09-cr-00155-01
Ferris Lavelle Lee,)	
)	
Defendant.)	

Before the Court is Defendant Ferris Lavelle Lee’s motion for grand jury transcripts filed on November 6, 2020. Doc. No. 805. The motion seeks release of transcripts related to Count Fourteen of the Indictment, which charged Lee with engaging in a continuing criminal enterprise. Doc. No. 1, pp. 16-18. As justification for the request, Lee explains he desires to verify that the continuing series of violations charged to support the offense corresponded with the violations presented to the grand jury.

A district court may disclose grand jury materials “at the request of a defendant who shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury.” Fed. R. Crim. P. 6(e)(3)(E)(ii). To secure grand jury materials, however, a defendant must show a “particularized need” for the information. United States v. McDougal, 559 F.3d 837, 841 (8th Cir. 2009) (citation omitted). The decision to permit disclosure is discretionary. United States v. Wilkinson, 124 F. Ed 971, 977 (8th Cir. 1997).

In this instance, Lee falls short of articulating a particularized need for disclosure. “[A] bare allegation that the records are necessary to determine if there may be a defect in the grand jury process does not satisfy the ‘particularized need’ requirement.” United States v. Warren, 16 F.3d 247, 253 (8th Cir. 1994). Lee has not provided any evidence that calls the integrity of the

grand jury proceedings into question. Accordingly, the motion for grand jury transcripts (Doc. No. 805) is **DENIED**.

IT IS SO ORDERED.

Dated this 9th day of November, 2020.

/s/ Peter D. Welte

Peter D. Welte, Chief Judge
United States District Court